IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.14072 of 2000

Between:

Vamanaboying Gangadhra, S/o Nagappa,
Zion College of Physical Education, Kadapa,
Kadapa District.

...PETITIONER

AND

1. The District Educational Officer, Kadapa,
   Kadapa District.

2. The Principal, Zion College of Physical Education,
   Kadapa.

3. Sri Venkateswara University, Tirupati, Rep by its Registrar,
   Chittoor District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of 2nd Respondent in cancelling the admission of the petitioner in his memo dt 31-7-2000 as illegal, arbitrary, and violative of principles of naturals justice and to pass

Counsel for the Petitioner: MR.D.KODANDARAMI REDDY

Counsel for the Respondent No.1: GP FOR HIGHER EDUCATION

Counsel for the Respondent No.3: MR.B.ADINARAYANA RAO

The Court made the following:

-

-

-

-

-

ORDER:

The petitioner was a student of second respondent-college in UGDPED (Under Graduate Diploma in Physical Education). During 2000-01, the college conducted Physical Education Teachers Physical Efficiency Test. One K.Rajasekhar was one of the candidates. On 28.07.2000, when the said K.Rajasekhar was to run 100 meters race as part of the test, it was found that the petitioner herein was impersonating K.Rajasekhar and running the race. The District Educational Officer informed the second respondent that the petitioner was caught after completion of 100 meters race by the DEO, Kadapa and was handed over to II Town Police Station, Kadapa. In view of the same, by impugned memo dated 31.07.2000, cancelled the admission of the petitioner for the academic year 1999-2000 and further informed that the petitioner shall not be allowed to appear for UGDPED of Sri S.V.University Examinations scheduled from 01.08.2000 to 18.08.2000. This order is assailed in the Writ Petition.

The submission made is that the impugned order was not preceded by any notice and therefore, it should be treated as void. By impugned order, the petitioner was not permitted for appearing for Final Examinations from 01.08.2000 to 18.08.2000. This Court did not pass any interim orders. Therefore, I do not see any prejudice caused to the petitioner by not issuing any notice prior to passing of the impugned order. In the facts and circumstances of the case, the mere absence of notice does not vitiate the impugned order.

The Writ Petition is therefore dismissed.

-

-

-

_____

(V.V.S.RAO, J)

10th September 2004

RRB

Copy To:

1. The District Educational Officer, Kadapa,
   Kadapa District.

2. Two CCs to G.P. for Higher Education, High Court Buildings, Hyderabad (OUT).

3. Two CD copies.